




POLICY FLASH 2012-21

DATE: January 30, 2012

TO: Procurement Directors/Contracting Officers

FROM: Director 
Contract and Financial Assistance Policy Division
Office of Policy
Office of Procurement and Assistance Management

SUBJECT: Class Deviation – FAR 25.402(b) Trade Agreements

SUMMARY: Attached for your information and use is a Class Deviation executed by the Senior Procurement Executives of NNSA and DOE addressing the Trade Agreements dollar thresholds at FAR 25.402(b). Civilian Agency Acquisition Letter 2012-01 was issued to allow agencies to execute class deviations to authorize use of the updated Trade Agreements dollar thresholds pending the formal amendment of the FAR.

This Flash will be available online at the following website:
<http://energy.gov/management/office-management/operational-management/procurement-and-acquisition/policy-flashes>.

Questions concerning this policy flash should be directed to Kevin M. Smith, of the Office of Procurement and Assistance Policy at (202) 287-1614 or at Kevin.M.Smith@hq.doe.gov.

Attachments


CLASS DEVIATION FINDINGS AND DETERMINATION
Trade Agreements
FAR 25.402(b)

Findings


1. On December 8, 2011, the United States Trade Representative (USTR) established new procurement thresholds for the various Trade Agreements identified at FAR 25.402(b). The revised thresholds became effective January 1, 2012.
2. Civilian Agency Acquisition Letter 2012-01, issued on December 29, 2011, recommends that civilian agencies authorize issuance of a class deviation to use the new procurement thresholds for the Trade Agreements until such time as FAR 25.402(b) is formally amended.

Determination

It is hereby determined that a class deviation from FAR 25.402(b) is appropriate to allow the use of the revised procurement thresholds for the various Trade Agreements that were issued by the USTR on December 8, 2011.



Joseph Waddell, Director
Office of Acquisition and
Supply Management, NNSA



Paul Bosco, Director
Office of Procurement and
Assistance Management, DOE

Attachment: CAAC Letter 2012-01



CIVILIAN AGENCY ACQUISITION LETTER 2012-01

December 29, 2011

MEMORANDUM FOR CIVILIAN AGENCIES OTHER THAN NASA

FROM:


LAURA AULETTA
CHAIR
CIVILIAN AGENCY ACQUISITION COUNCIL (CAAC)

SUBJECT:

Class Deviation from the Federal Acquisition Regulation (FAR)
to Implement Adjusted Thresholds for the Trade Agreements

On December 8, 2011, the United States Trade Representative (USTR) published new procurement thresholds (76 FR 76808). These thresholds become effective on January 1, 2012.

This CAAC letter constitutes the consultation with the Chair of the CAAC required by FAR 1.404(a)(1) and provides updates to the thresholds consistent with the USTR's adjustments. Pending a FAR change, it is recommended that civilian agencies authorize a class deviation in accordance with FAR 1.404 to use the new procurement thresholds for the trade agreements.

To determine which trade agreement clause to incorporate into a contract, contracting officers shall use the updated thresholds provided in the attached table in lieu of those in the table at FAR 25.402(b), and shall also substitute the new thresholds wherever they appear in the FAR.

If you have questions or require additional information regarding this memorandum, please contact Cecelia L. Davis at (202) 219-0202, or by email at cecelia.davis@gsa.gov.

ATTACHMENT

Trade Agreement	Supply Contract (equal to or exceeding)	Service Contract (equal to or exceeding)	Construction Contract (equal to or exceeding)
WTO GPA	\$202,000	\$202,000	\$7,777,000
FTAs			
Australia FTA	\$77,494	\$77,494	\$7,777,000
Bahrain FTA	\$202,000	\$202,000	\$10,074,262
CAFTA-DR (Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua)	\$77,494	\$77,494	\$7,777,000
Chile FTA	\$77,494	\$77,494	\$7,777,000
Morocco FTA	\$202,000	\$202,000	\$7,777,000
NAFTA			
—Canada	25,000	\$77,494	\$10,074,262
—Mexico	\$77,494	\$77,494	\$10,074,262
Oman FTA	\$202,000	\$202,000	\$10,074,262
Peru FTA	\$202,000	\$202,000	\$7,777,000
Singapore FTA	\$77,494	\$77,494	\$7,777,000
Israeli Trade Act	50,000	—	—